

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

NATIONAL FEDERATION OF THE
BLIND, ON BEHALF OF ITS MEMBERS
AND ITSELF, AND HEIDI VIENS,
Plaintiffs,

v.

SCRIBD, INC.,
Defendant.

Docket No. 2:14-cv-00162-wks

PLAINTIFFS' SUPPLEMENTAL EXHIBIT REGARDING CITATIONS

It has come to Plaintiffs' attention that their Memorandum of Law Opposing Motion to Dismiss (December 29, 2014) (the "Memorandum") inadvertently cited to the dissent in *Michigan v. Bay Mills Indian Community*, 134 S. Ct. 2024, 2052 (2014) (Thomas, J., dissenting), for the proposition that "congressional inaction cannot establish an affirmative legal rule." ECF No. 18 at 14. The principle is well established in other U.S. Supreme Court cases, including *Helvering v. Hallock*, 309 U.S. 106, 121 (1940), which also is cited in Plaintiffs' Memorandum.

Additionally, some of the citations contained in Plaintiffs' Memorandum were difficult to locate without a hyperlink, and one was improperly formatted. Plaintiffs therefore submit the following supplemental citations, together with parenthetical notations indicating their location in the Memorandum:

1. Paul Downs, *The Information We Still Need to Manage Our Health Care*, N.Y. Times, Jan. 6, 2014, available at: <http://boss.blogs.nytimes.com/2014/01/06/the-information-we-still-need-to-manage-our-health-care/>. (cited at p. 11, footnote 6 in the Memorandum).
2. Jenna Wortham, *On Instagram, a Bazaar Where You Least Expect It*, N.Y. Times, March 8, 2014, available at: <http://bits.blogs.nytimes.com/2014/03/08/on-instagram-a-bazaar-where-you-least-expect-it/>. (cited at p. 11, footnote 7 in the Memorandum).
3. *Harvard University Press to Sell Nearly 1,000 Digital Books on Scribd*, MarketWired, July 16, 2009, available at: <http://www.marketwired.com/press-release/harvard->

university-press-to-sell-nearly-1000-digital-books-on-scribd-1216565.htm. (cited at p. 11, footnote 13 in the Memorandum).

4. S. Rep. No. 101-116, 54 (1989), *available at*:
ftp://ftp.fcc.gov/pub/Bureaus/OSEC/library/legislative_histories/1387.pdf. (cited at p. 13, paragraph 1 in the Memorandum).
5. Statement of Samuel R. Bagenstos, Principal Deputy Assistant Attorney General for Civil Rights at the Department of Justice, Hearing Before the H. Subcomm. on the Constitution, Civil Rights, and Civil Liberties of the H. Comm. on the Judiciary, Concerning Emerging Technologies and the Rights of Individuals with Disabilities, at 6 (April 22, 2010), *available at*:
<http://judiciary.house.gov/files/hearings/pdf/Bagenstos100422.doc> (cited at p. 18, paragraph 1 in the Memorandum).
6. Brief of the United States of America as Amicus Curiae in Support of Appellant, *Rendon v. Valleycrest Prods., Ltd.*, No. 01-11197, 2001 WL 34094038. (cited at p. 18, footnote 18 in the Memorandum).

Dated: February 26, 2015

Respectfully submitted,

/s/ Laurence Paradis

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